

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LINDA LAROCQUE,

Plaintiff,

v.

THE KROGER CO., a foreign corporation doing
business in Washington state; and, FRED
MEYER STORES, INC., a foreign corporation
doing business in Washington state, a/k/a
TACOMA-STEVEN'S FRED MEYER,
GATEKEEPER SYSTEMS, INC., a foreign
corporation doing business in Washington
state,

Defendants.

NO. 3:25-cv-05380

STIPULATED MOTION TO CONTINUE CASE
SCHEDULE AND TRIAL DATE

NOTED: JULY 22, 2025

I. INTRODUCTION AND SUMMARY

All Parties stipulate and move for a new trial date and an extension of remaining case deadline as set forth below. This motion is based on the Parties' agreed factual statement and the records and pleadings on file in this matter.

II. AGREED STATEMENT OF FACTS

This case concerns injuries Plaintiff Linda Larocque suffered after the anti-theft mechanism activated on a shopping cart at a Fred Meyer grocery store, locking its wheels

1 and causing Ms. Larocque's left knee to strike the back of the shopping cart. Initially, Ms.
2 LaRocque asserted claims against The Kroger Co. and Fred Meyer Stores, Inc. ("Fred
3 Meyer Defendants").

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5 In their answer to the complaint, Fred Meyer Defendants assert third-party fault as
6 an affirmative defense against Gatekeeper Systems, Inc. (See Dkt. No. 10, Fred Meyer
7 Defendants' Affirmative Defense No. 1). Gatekeeper Systems manufactures, sells,
8 installs, and/or maintains the anti-theft shopping cart locking system at issue in this
9 lawsuit. The Court granted Ms. LaRocque's motion for leave to amend the complaint to
10 assert claims against Gatekeeper Systems, Inc. Ms. LaRocque filed her amended
11 complaint on June 26, 2025. (Dkt. No. 16). Gatekeeper System's counsel filed a notice of
12 appearance on July 10, 2025. (Dkt. No. 18).

13 The current Order Setting Trial Date sets the trial date for May 26, 2026. Expert
14 reports are due October 28, 2025. Discovery is currently scheduled to be completed by
15 December 29, 2025. Given the addition of a new defendant requiring additional
16 discovery, the Parties are unable to meet the current deadlines.

17 Therefore, the parties request an extension of the Case Schedule by at least three
18 (3) months. The parties have no conflict with a trial date in August or September 2026.
19

20 III. AUTHORITY AND ARGUMENT

21 A case "schedule may be modified only for cause and with the judge's consent."
22 Fed. R. Civ. P. 16(b)(2). Here, there is good cause because, despite diligently pursuing
23 discovery and preparing their case, the Parties need additional time to complete
24 discovery given the addition of a new defendant to this lawsuit.

25 The Parties believe good cause exists to adjust all remaining deadlines by
26 approximately three months as shown below.

	Current Deadline	New Deadline
JURY TRIAL DATE	MAY 26, 2026	August 3, 2026
Deadline for joining additional parties	July 2, 2025	November 7, 2025
Deadline for filing amended pleadings	July 14, 2025	December 15, 2025
Reports from expert witness under FRCP 26(a)(2) due	October 28, 2025	March 2, 2026
All motions related to discovery must be filed by and noted on the motion calendar in compliance with Local Civil Rule (LCR) 7(d)	November 28, 2025	March 13, 2026
Discovery completed by	December 29, 2025	April 3, 2026
All dispositive motions must be filed by and noted on the motion calendar in compliance with LCR 7(d)	January 26, 2026	May 1, 2026
All motions in limine must be filed by and noted on the motion calendar in compliance with LCR 7(d)(5)	April 21, 2026	July 3, 2026
Agreed pretrial order due	May 13, 2026	July 17, 2026
Trial briefs, proposed voir dire questions, and proposed jury instructions due	May 13, 2026	July 17, 2026
Pretrial conference	May 15, 2026 At 1:30 PM	July 24, 2026 At 1:30 PM
Length of Trial:	6 days	6 days

Dated this 22nd day of July 2025.

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PURSUANT TO THIS STIPULATION, IT IS SO ORDERED that the parties' Joint and Stipulated Motion to Continue Case Schedule and Trial is GRANTED. The Court hereby sets the following new deadlines.

NEW DEADLINE

JURY TRIAL DATE

October 26, 2026

Deadline for joining additional parties

December 2, 2025

Deadline for filing amended pleadings

December 15, 2025

Reports from expert witness under FRCP 26(a)(2) due

March 30, 2026

All motions related to discovery must be filed by and noted on the motion calendar in compliance with Local Civil Rule (LCR) 7(d)

April 28, 2026

Discovery completed by

May 29, 2026

All dispositive motions must be filed by and noted on the motion calendar in compliance with LCR 7(d)

June 26, 2026

All motions in limine must be filed by and noted on the motion calendar in compliance with LCR 7(d)(5)

October 21, 2026

Agreed pretrial order due

November 13, 2026

Trial briefs, proposed voir dire questions, and proposed jury instructions due

November 13, 2026

Pretrial conference

November 16, 2026
At 1:30 PM

Length of Trial:

6 days

DATED July 22, 2025.



HONORABLE MARSHA J. PECHMAN